

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOHN BREWER, DAVID BROWN, and SVEND RUMBOLD

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Application 09/493,350  
Technology Center 1700

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on September 11, 2006. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

*REPLY BRIEF NOTED*

A Reply Brief was timely submitted on December 27, 2005 by Appellants. The Examiner has failed to issue a response to the Reply Brief as required by 37 CFR § 41.43.

*EVIDENCE REPLIED UPON*

Further review has revealed that the Examiner's Answer, mailed October 26, 2005, fails to list the relevant references applied in the rejections currently on appeal under section (8) ("Evidence Relied Upon").

It is imperative that the Examiner address the above described matters before any further prosecution can ensue at the BPAI.

Accordingly, it is

*ORDERED* that the application is returned to the Examiner:

- 1) to issue a "*Reply Brief Noted*" for the Reply Brief received December 27, 2005 as required by 37 CFR § 41.43;
- 2) to submit a revised Examiner's Answer in accordance with *the Manual of Patenting Examining Procedure (MPEP)* § 1207.02; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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DMS/hh

Application 09/493,350

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